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California Regional Water Quality Control Board

Santa Ana Region

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Arnold Schwarzenegger
Governor

February 27, 2008

Richard Demerjian
Director of Campus and Environmental
Planning
University of California, Irvine
750 University Tower
Irvine, CA 92697-2325

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION
FOR THE HEALTH SCIENCES COMPLEX AND IMPROVEMENTS TO CALIFORNIA
AVENUE, UNIVERSITY OF CALIFORNIA, IRVINE, ORANGE COUNTY (ACOE
REFERENCE NO. SPL – 2007 – 959 – YJC)**

Dear Mr. Demerjian:

On June 18, 2007, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification), submitted on your behalf by Michael Brandman Associates, for discharges of fill associated with roadway improvements to California Avenue and the Health Sciences Complex at the University of California, Irvine. On October 30, 2007, we received confirmation that all of the waters of the State affected by the discharge are waters of the U.S. and that the discharge would be authorized in its entirety through the issuance of a Certification. This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) and subsequent Basin Plan amendments:

Project Description: Placement of excess fill generated from the widening of California Avenue into waters of the U.S. The widening will occur between Bison Avenue and Academy Way. Grading activities will generate approximately 21,100 cubic yards of excess fill that will be placed in a drainage on the eastern side of California Avenue. The area is where the Health Sciences Complex will be expanded through the construction of several buildings and parking areas in the future. Prior to accepting the fill, additional grading will occur to make the site suitable for the future construction. The fill site is located within Sections 57 and 58 of Township 6 South, Range 9 West, of the U.S. Geological Survey *Irvine, California*, 7.5-minute topographic quadrangle map (33 deg. 38 min. 34.58 sec. N/ -117 deg. 52 min. 14.01 sec. W).

California Environmental Protection Agency



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Receiving water: An un-named ephemeral riparian drainage tributary to San Diego Creek.

Fill area: 0.06 acres of permanent impact to a riparian ephemeral drainage (915 linear feet).

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 39

You have proposed to mitigate water quality impacts as described in your Certification application and subsequent submittals. The proposed mitigation is summarized below:

Onsite Water Quality Standards Mitigation Proposed:

- 'First-flush' and nuisance flow discharges from California Avenue will be treated using a continuous deflective separator (hydro-dynamic separator) device.
- 'First-flush' and nuisance flow discharges from the proposed Health Science Complex will be treated in an extended detention basin, to be located in an open space area between the Complex and California Avenue.
- Additional best management practices (BMPs) to remove pollutants from storm water runoff will be proposed in a Water Quality Management Plan (WQMP) and Storm Water Pollution Prevention Plan (SWPPP) when site plans for the Health Sciences Complex are developed.
- 0.12 acre of the riparian drainage between California Street and the Health Sciences Complex will be enhanced through the removal of invasive plants.

Offsite Water Quality Standards Mitigation Proposed:

- No offsite water quality standards mitigation is proposed.

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Game will ensure those impacts are mitigated to an acceptable level. Appropriate Best Management Practices will be implemented to reduce construction-related impacts to Waters of the State. This project is over one acre. Therefore, coverage under the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity, Water Quality Order 99-08 DWQ, is required, as is development of a Storm Water Pollution Prevention Plan (SWPPP), to control the discharge of pollutants from the project site.

You have applied for a Nationwide Permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. You have applied for a Streambed



Alteration Agreement with the California Department of Fish and Game. Pursuant to the California Environmental Quality Act (CEQA), the University of California, Irvine adopted a Mitigated Negative Declaration for the widening of California Avenue on February 7, 2008. The Executive Officer has considered the University's Mitigated Negative Declaration in the issuance of this Certification.

This 401 Certification is contingent upon the execution of the following conditions:

1. This Certification is conditioned upon the construction of all storm water treatment facilities as proposed. All structural storm water treatment facilities must be constructed and operational prior to the submittal of a Notice of Termination pursuant to State Board Order No. 99-08 DWQ, or subsequent renewals.
2. Regional Board staff and other authorized representatives must be allowed:
 - a. Entry upon premises where storm water treatment facilities are located, or where records are kept under the requirements of this Certification and applicable waste discharge requirements;
 - b. Access to copy any records that are kept under the requirements of this Certification and applicable waste discharge requirements;
 - c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations related to the treatment of storm water runoff from the project site; and
 - d. To photograph, sample and monitor for the purpose of assuring compliance with this Certification and applicable waste discharge requirements.
3. This Certification and any subsequent amendments must be maintained on site as a denoted element of any project SWPPP or WQMP.
4. 0.12 acre of invasive woody plants must be eradicated in the remaining riparian drainage between California Avenue and the Health Sciences Complex as proposed. The eradication effort must utilize published and generally accepted methods with a minimum of 6 years of follow-on maintenance. Initial eradication work must begin not later than April 27, 2008. A report must be provided by January 1st of each year thereafter, for a period of 5 years, documenting the progress of the eradication effort.

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.



- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

Although we anticipate no further regulatory involvement, if the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, we may formulate Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

In response to a suspected violation of any condition of this certification, the Santa Ana Regional Water Quality Control Board (Regional Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate. The burden, including costs, of the reports shall be reasonable in relation to the need for the reports and the benefits to be obtained from the reports.

In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance. Pursuant to California Code of Regulations Section 3857, we will take no further action on your application. Please notify our office five (5) days before construction begins on this project.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste



Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 200-0017-DWQ is available at www.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0017.pdf

Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



GERARD J. THIBEAULT
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Jae Chung
State Water Resources Control Board, OCC – Erik Spiess
State Water Resources Control Board, DWQ-Water Quality Certification Unit – Bill Orme
California Department of Fish and Game, Ontario Office – Jeff Brandt
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Eric Raffini and David Smith

APF:401/certifications/UCI Health Sci Complx 302007-10

